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JUL 15 2011

In re Application of	:	DECISION ON
DICK et al	:	PCT LEGAL ADMINISTRATION
Application No. 10/565,511	:	
PCT No.: PCT/EP2004/007733	:	
Int. Filing Date: 13 July 2004	:	
Priority Date: 23 July 2003	:	PETITION UNDER
Attorney's Docket No.: 3081.151US01	:	
For: METHOD, DEVICE AND ...	:	
TREATMENT SYSTEM	:	37 CFR 1.182 and 1.137(b)

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.182 and 37 CFR 1.137(b)" filed on 13 May 2011 correcting the international application number from PCT/US2004/007733 to PCT/EP2004/007733.

BACKGROUND

In a decision from this Office on 16 March 2011, the decision indicated that the petition needed to explain the inconsistency of the application number. As a result, the application remained abandonment.

On 13 May 2011, petitioner filed a renewed petition to correct the PCT application number and to revive the present application under 37 CFR 1.137(b).

DISCUSSION

37 CFR 1.182

Petitioner states that the PCT number was incorrectly entered due to a typographical error and that correct number is PCT/EP2004/007733. The correct number was filed with the specification and a copy of the correct international publication was filed on 23 January 2006. Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/EP2004/007733.

Therefore, the petition to accept the correct PCT number of **PCT/EP2004/007733** for the instant application is granted, and will be reflected in the filing receipt.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**, without prejudice.

37 CFR 1.137(b)

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.


Petitioner has provided: (1) the proper reply by submitting the proper PCT application number, (2) the petition fee set forth in § 1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.


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